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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

:

ROBERT WIEST, ET AL.

: EXAMINER: MARY D. Z. W.

SERIAL NO: 10/542,174

:

FILED: JULY 14, 2005

: GROUP ART UNIT: 3694

FOR: TRANSACTION SERVER AND  
COMPUTER PROGRAMME PRODUCT

:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants acknowledge with appreciation the indication of allowability of the claimed invention. In response to the Examiner's Statement of Reasons for Allowance in the Notice of Allowance of September 3, 2009, Applicants respectfully submit the following comments.

In the Examiner's Statement of Reasons for Allowance on page 2 of the Notice of Allowance, paragraph 2 states in part:

In regarding to independent claims 1 and 10, Conklin taken either individually or in combination with other prior art of record fails to teach or render obvious the contract price being determined based on the data values input via the data input fields and based on a first predetermined criteria when a positive evaluation result is generated and based on a second predetermined criteria when a negative evaluation result is generated.

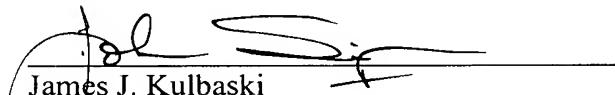
Although the above comment appears to address Claim 10, it is respectfully noted that independent Claim 1 does not include this language. For example, the claim does not include a reference to "evaluation result is generated" or "negative evaluation result is generated" but

rather to "evaluation result is determined" and "negative evaluation result is determined".

Also, Claim 1 being directed to a computerized transaction server, is not directed to a computer readable medium as may be implied and/or inferred by the examiner's statement. This apparatus claim is patentable by virtue of the structural limitations recited therein. Accordingly, it is respectfully submitted that the above-quoted statement does not apply to Claim 1 to the extent the language used in the statement differs from the language of the claim.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.



James J. Kulbaski  
Attorney of Record  
Registration No. 34,648

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 07/09)  
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John Sipos  
Registration No. 61,985